

77-1188

Supreme Court, U. S.

FILED

FEB 17 1978

Supreme Court of the United States

RODOLPH RODAK, JR., CLERK

Minnie Bryan Breza

Appellant

A-513

City of Trimont

Appellee

ON APPEAL FROM THE SUPREME COURT OF  
THE STATE OF MINNESOTA

---

JURISDICTIONAL STATEMENT AND APPENDIX

---

Minnie Bryan Breza

Pro Se

P. O. Box 2335

Loop Station

Minneapolis, Minnesota

55402

City of Trimont

Trimont, Minnesota

56176

BEST COPY AVAILABLE



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JURISDICTIONAL <sup>3</sup> STATEMENT

(a)1-h

ORDER of the City of Trimont, Minnesota  
Bert Christiansen--Mayor of Trimont

(h)2

The Opinion of the Fifty District Court  
Judgment by Judge L. J. Irvine,  
May 19, 1977

(h)3

Pre-Hearing Conference  
Breza v. City of Trimont, Case No. 47919  
It appears that the parties have been un-  
able to settle the issues raised by the  
appeal.  
By Richard J. Leonard, Commissioner.

(h)4

The Opinion of the--Minnesota Supreme  
Court. Breza v. Trimont, Case No. 47919  
It is hereby ordered that the City of  
Trimont's MOTION TO DISMISS be and the  
same is hereby granted and the appeal is  
dismissed.  
Dated September 30, 1977.

(b)

The Jurisdiction of the United States on  
the XLV Amendment I, 28 USC 1257 (2)  
Amendments 5-1, 4-4, 14 20, 21, 23,

(1)

Taking and destruction of a home owners  
Property and Possessions, and invasion  
of Privacy in a Municipality. and

Discrimination. Taking without due process.  
possibly threat to personal liberty.  
Possible Breaking and Entering, Taking  
and destroy possessions and ~~property~~...

A city ordinance is a law of the state  
within the meaning of #237 of the  
Judicial Code as amended which provides a  
review by writ of error where the validity  
of a law is sustained by the highest court  
of the State in which a decision in the  
suit could be had. And that as administ-  
ered, they denied to plaintiff equal  
protection of the laws.

(11)

The Opinion of the Fifth District Court  
Judgment, May 19, 1977, was Dismissal in  
Minnesota Supreme Court, September 30,  
1977, after Pre Hearing Conference on  
July 19, 1977.

The Notice of Appeal to the UNITED STATES  
SUPREME COURT was October 27, 1977, and  
was filed in the Minnesota Supreme Court.  
with copy to the Fifth District Court  
Fairmont, Minnesota, Martin County.

(111) The Statutory provisions believed to  
confer on this court jurisdiction of the  
appeal are The XLV Amendments 1, 20, 21, 23,  
Amendment 5-1, 4-4 Rules of Civil Procedure.  
60

Rights of privacy and personal security  
protected by 4th amendment are of essence  
of constitutional liberty.

Fourth Amendment protects sanctity of man's  
home and privacies of life from invasion  
and searches under indiscriminate general  
authority.

A judgment of an inferior court could be  
reviewed.

(iv)

(v) City Of Trimont Ordinance No 21.

Trimont Minnesota. 56176.

Subdivision 1. Section 14, Violations  
And Penalties.

Any person, firm or corporation who violate s  
disobeys, omits, neglects, or refuses to  
comply with, or who resists enforcement  
any of the provisions of this ordinance  
shall upon conviction, be fined not more  
than \$100.00 or imprisonment for not more  
than ninety (90) days for each offense.  
Each day that a violation is permitted to  
exist shall constitute a separate offense.

Section 16 Repeal of conflicting Ordinances  
All Ordinances or parts of Ordinances in  
conflict herewith are hereby repealed.

7

Passenger vehicles and trucks in an in-  
operative state shall not be parked in  
residential districts for a period exceed-  
ing thirty(30) days. Inoperative shall  
mean incapable of movement under their own  
power and in need of repairs. All exter-  
ior storage not included as a permitted  
accessory not included as a permitted access  
use, a permitted use, or otherwise per-(ory)  
mitted by provision of this Ordinance  
shall be considered as refuse.

(c)

1 Whether if she had an order concerning her property from the City Council , she could get a State Inspector who was a professional inspector and would be purely impartial for any necessary inspection. and at a time when she was there.

A new policeman from a filling station up north, with three different jobs in law enforcement and 4 years in the navy before coming to Trimont, , pounded the outside handle off of a refrigerator in my garage. Went into my house, though it was no more accessible than it has been on many springs when I was away much of the winter, and had not been entered before on such, even from the eight children in the house next door, who never, never went into my house, and whose dog barked equally for mine as for theirs. I had been that late in coming down before , and it had not got mowed or entered.

That Don Wellner who works at the bank and accepted for deposit large sums of cash from me that did not get entered onto my statements was now on the City Council , also I had been to a town meeting the fall before. When I had seen in the paper he had said he was surprised nobody was entered for that seat and had entered for it, I went all around town to business , open and told of him keeping my money, and to get somebody else to run. It was too late, I was told if he were convicted they would put him off.

At a town meeting he was in the front row with an attorney and I on entering the front row, said there was the man who

took the the large amounts of cash deposits that didn't get entered on my statements. The attorney got up and went over and sat down along the side. Then I objected greatly to the the idea of a new storm sewer. The man at the head of the table closed the discussions off when the meeting had barely got started when a man was making a motion to approve the sewer after somebody had said that her house, built right next to the corn field, her husband did trucking, had water run through its basement

each spring. She had been his secretary about 10 or 20 years. and he started out saying maybe some might want to drive in off of the pavement on pavement for a few blocks and out onto the pavement again. And this man speaking had said he could sell the houses in trimont for enough to pay for the street sewer, now. That it was easier to sell them with the new sewer then in use than before

when they each had individual cess pools. and the man at the head of the table had said to close the discussions off when he stopped talking. which they did. except one lady said quickly, (so the man at the speaker table said) she seconded it.

I asked a Man whom had been there if such was legitimate and he said he did not remember of any motion being made. so there could be any number of reasons for my house having been invaded by that policeman and my yard and garage. Per the newspaper the week of the sale Don wellner, a man from the elevator & one other had been there, per a vote to give Breza 20 days to remove her possessions from her premises.



papers which I had taken upstairs to my padlocked storage rooms, for additional safety that were missing after the padlocks had been taken off of my storage rooms upstairs and their contents taken or distruction done to them, included. besides family papers of past generations, as well as the present ones, Papers of Federal Civil Service employment which I had retained and safeguarded for nearly twenty years. Papers of my educational years. Papers of religious training and participation, including such things as a bible given me on graduating from the primary class in Sunday school, signed by people whom are no longer among the living, that I had treasured and retained since then. My mothers and dads, school work records, pictures and books, of her school teachings, his college, and their courtship letters, from him. Marriges, deaths and other family happening records. Banking papers I had a need for. Employment papers that without such I cannot collect an amount of in the neighborhood of possibly \$1,000. Court Case Papers. Possibly case or damage papers. on separate subjects. Legal Papers. Things in my house had been so safe for so long, the children next door did not go into it, either when I was or was not there, Things I feared for the safety of somewhere else I had taken to my upstairs storage rooms, there. And did not fear for the safety of anything there except important papers and sometimes myself, even downstairs. I had not been able to understand that Don Wellner, when bank statements did not show deposits. and knew not what could be expected, next.

1. Whether a home owner, if she had an ORDER from the Mayor of a small town, Eight hundred and some people, to have her place inspected by such and such, fire inspector and health inspector, and had to have such done to keep the town from demolishing her buildings, could instead secure an inspector of her choosing, who would be a professional inspector, from the State or some large town, who would be impartial, and who would come at a time when she could arrange to have a lady friend of hers there with her, if she lived alone, and who would not be familiar to the big boys who frequent the neighborhood, who might form the opinion that she could be forced to let a man into her place of residence. I have city water and sewer and no pets. The neighbor's poodle sometimes goes along with me to places around town, and she had her pups in a hole she dug down under a car. I had setting out by my garage. Transcripts of a Court hearing state it being said, ---those two men, inspectors, required by the mayor, had previously inspected my house. (Neither one of them had been in my house)

2 Whether I should not be permitted a longer period of time to do the repairing I have begun on the repairing of the garage. As much time as I need to complete it. There are no materials in it, except wood and metals. The Mercury with the top carrier top, and a refrigerator which I removed the inside catch from back in 1972, which I use to stand on. also, in working on the roof and rafters in the repairing of my garage.

The church that did some new building, partially out into what would have been sidewalk or street space of First Avenue East, Just north of Main Street, and with the school yard across first Avenue from it, was a long time without a complete roof on its building while they were building it.

3 Whether the man at the head of the Speaker's table, Dale Philstrom, at a town meeting concerning Street Sewers, from some firm in St. Paul, who said down the length of the table, 'Close off the discussions, when he finishes talking'. as a Real Estate Man, Adamson, whom Mrs. Rohman, of Rohman's Trucking concern, had been secretary to for many, many, years, was talking: Which was done, with the exception of a lady in the back saying one sentence which I did not hear, and from my seat in the front row, I asked, the man at the Speaker's table, what she had said, and he said, 'She seconded it .' The meeting then stopped, although it had hardly got started.

There had been just myself talking against any new street sewer. My place was among the lowest places in town. There was a high dry solid graveled street between my place and the down town park, and a workable street sewer opening at the corner, and I had already written the city a letter, that I wanted and needed all water that fell, directed primarily onto my property. Then two other ladies had said that they were on fixed incomes. Then a man in the back had said that his and Rohman's basements had water run through them each spring. Rohman's next to



his had no street between it and the corn field along it. Then the Real Estate man, Adamson had got up and said that maybe some would like to drive in off of the highway on pavement for a few blocks and back out onto the highway again. that he would make a motion for a street sewer and could sell the property in Trimont for enough to pay for it.

4 Whether, after my continual talking against the idea of a new sewer and street improvements and such I was told by that man who still sat at the head of the speaker's table in that meeting, also, that only the people who benefitted from such would be charged up for such, and I said that there certainly wasn't any benefit from it to me. That I had a breathing problem and liked the two cars a day, about, going past my place, between me and the park, and such might bring more cars in there, along in front of my place. I had objected strongly to their idea of selling the half of the park towards my place to an out of town concern to build a Senior Citizen or low rent building on, with funds from HUD and which after a number of years, they said, that the concern who had built it would then own it.

I have not been to one of their meetings since then. If the special interests need that new streets and such badly enough that they were willing to pay for them to be put in all over town, Maybe they needed to do so to get FHA funds to funds to do so with. I don't know. It would have seemed so simple to put in.

street sewer from Rohman's, and a pavement from the highway to them. I would think.

I did not feel I should keep squaking against them if I was not a part of such having been going to pay for such. However now I have received a bill. It does not seem to me that I should be required to pay ~~that~~. The City Council tried to sell the half of the park to an out of town concern who would put, with the finances from HUD a building and who according to the people on the speakers table would help pay a hreat deal on the street sewer and street. I asked if they they wouldn't pay the same if they were further out of town, and they said, "Yes". I have not heard that they are doing anything concerning a place further out of town, slthough I heard, that the ball park was available for them.

6 Wether they could take my property for such. My house is one of four on ~~the same amount~~ of land as that half of the park would have been. And it is right across the street from it. While he was on duty at the teller's window and before becoming a member of the City Council, had received from me large sums of cash money for deposit to my checking account at the Farmers State Bank of Trimont, which only the first one of (which was for \$960.00) showed up as received. When I had three, maybe two, Monthly payments yet to make on my property in Trimont, the statement I

received after asking for one, and then, being told they were being made up, waiting a couple of weeks to secure, it did not show enough on it, of my deposits to make even my next monthly payment on my property in Trimont. And I only succeeded in getting the deed to the peopwery vy my having a Government check which I had not cashed yet. And with which I made those last few payments all at one time from it. And which thus left me with practically nothing, which has hampered me greatly.

7. A workman for Trimont hauled away my compost heap container tractor tire, And I have not succeeded in getting them to return it. And the Mayor and the Policeman hammered the handle off of the refrigerator in my garage, that I used to stand on to do things, sometimes, and even though I had told the policeman, that I had many years previously, removed the inside catch from it, both he and the Mayor testified at a Court Hearing in Fairmont that it had the catch on, and in working order, when they hammered the outside door handle off of it. He had said he checked registration & found my Pick-up registered to a man in Albert Lea

8. With their feet on their garage roof and hands on mine, the two boys from next door and a larger one, I do not think I had seen before pushed in unison and let up and pushed again, and again. until they toppled the tree trunk column I had between my mercury carrier top and

the two lights spiked together. Then the largest one from next door said that I was supposed to hire the big boys to repair my garage for me. I saw another kid looking up at me through the end window opening of my garage, whom I think was one that at a former time had been with others in my back yard and who had been talking so dirty that I stopped what I was doing out there, and went in to the house and locked the door.

I was not hurt by the toppling of the column, but I went into the house, until they had gone away to some other place. I can depend on help my some of my relatives.

#### STATE OF MINNESOTA

##### VILLAGE OF TRIMONT

As of April 12th the Assessment Roll for the Storm Sewer has been adopted. The assessment for your property is \$868.70, and can be paid to the City Clerk anytime before May 12th with no interest. If not paid at this time it will be put on your taxes at 6% interest.

#### Statement of Real Estate Taxes Payable in 1978 Trimont

##### 11 Special Assessments

Ditch	
Paving	
sewer	29.88
Water	
Str. Imp.	
Sidewalk	
Storm Sewer	107.14

(a)

I had been to a town meeting the day before I left for Minneapolis, the fall before. That had been supposed to be concerning a street sewer and I had written a letter to the city objecting to street sewer, stating that I needed and wanted all water that fell on my property or run onto it. Then I attended the meeting and on walking into the first row I saw that gentleman from the bank Farmers state bank, of Trimont, Don Wleener sitting in the front row with a man with a legal scratch pad next to him, And said aloud there is the man ~~xxxx~~ Mr. Don whom I deposited large amounts of cash through at the Farmers State Bank of Trimont which did not get entered onto my account. he did not say anything, the man with the legal pad sitting next to him got up and walked over and set down along the side side. Then when the meeting got started and the meeting was thrown up open for discussion I got up and objected to the street sewer stating that there whenever was any excess of water along the street there. At the time I had seen that don wellners picture in the paper as running for the City council I took the paper and went to all the business places still open that I had done business at, asking that they get somebody else to run for the council as he was the man whom I had made those large cash deposits through which did not get entered on my account statements. and explained much of the details of such to each. , the time for entering had closed, I was told if he were convicted of such they would put him off of the city council.

b

(b)

The reason that I had brought all the money I owned down to Trimont, and deposited it into the Farmers State Bank was because I wanted to have it all together and where I could write checks on it, as I wanted to write to both the Federal Government and the State Government Concerning a piece of property I had bought on back taxes from the Watonwan County Auditor's department, and paid for over a period of time, as I did not have have any large amount of money like that to pay for it all at once. I did not get my deed to it, and wanted to have that money available if I felt a need to send some, or if either, or both of the places I intended to write might write and ask for me to send such an amount on taxes on it, if such might look into it for me and have need for such.

The papers I received said to be paid as soon as possible. and I sent in what I had and then stopped over at a Law Office a block from where I lived, that I had do a little task for me once before, to try and get an attorney to help me get a loan to be able to pay the rest of that amount right away, and then pay the loan off over a period of time.

When I went in somebody was talking with one of the men from the offices about becoming a part of such, and when they finished, that one told thi new man to take care of me. On showing him my papers, he said he could not do anything concerning it until he had the abstract, that he would take care of writing and ordering it and have it come to him, and I should return, in a certain number



(c)

The property had quite recently belonged to my folks, before they passed away, and on telling my sister whom had recently, with her husband, bought a house in S. E. Minneapolis, she said I did not need an Abstract, that they sometimes cost \$100. So the next day, A Saturday, I called St. James, to cancel the Order for the Abstract. Being Saturday the only business Office open was the newspaper, so I asked them, who made up abstracts, explaining my need to know. And to know before they might begin work on such. It was the registrar of Deeds and when I got him on the line, he sounded sarcastic when he asked, Why didn't I put it in the paper? Which I did not answer but went on telling him to cancel the order, that I did not need the abstract, and could not afford to get it. I heard of it no more until I received the Abstract through the mail from that Attorney with a note that as he had ordered it he would have to insist that it be paid for. I saved up until I had a hundred dollars. My weekly salary run about \$40.00, and then sent him a check for \$100.00, after putting the hundred dollars into a checking account. ~~Then~~ Then when I could earn some more and sent a check in on the house, I stopped in and told that attorney I had sent in a payment on it. He said I should not have done so. Not to send any more. The way to get the deed was to refuse to send any amount, - which would ~~force~~ the auditor to provide me the deed, and then when I had it I could send him the money. I said my papers said to be paid as soon as possible. and nothing in the world would prevent me, to my ability,

(d)

had said, to be paid as soon as possible and nothing in the world would keep me from paying the amount as soon as possible. He then was talking about being trying to get two different men out of a mental hospital, and that the doctors were not being inclined to release them.

I then went back and sent in pay checks as I could get along without them, Like, 58.77-48.02 Breza, 47.90 Breza 51.16 Breza, 50.17 Breza, 49.92 Breza 49.87 Breza, 49.92 Breza, 50.91 Breza 50.17 Breza, and on June 25, 1965, I received a letter, Enclosed please find your receipt for \$80.00 which was applied to your Real Estate Taxes for this year. You now have only \$32.13 left to pay on your current taxes which are due in October., Carmen S. Lupke, Deputy Auditor, while I was waiting for my deed to come, I stopped up to that Office where Atty. Mitchell would to get my papers I had left with him back. I told him I had finished paying for the house now, and then he started talking a steady stream, running one sentence and subject right into another, and asked me which of two-involved-rambling-procedures I wanted? Either one, of which, would have had him working for me. Which I, of course would have not have let him do anything for me or touch any of my affairs, for anything in the world., so I didn't say anything. He eventually said, or asked? Now are you going to keep the taxes paid up on it? I was afraid to say I was lest that might constitute him being working for me. Or might give him some claim to it if I did not. I got up from the chair, and snapped, I am not. And rushed out of there without getting my papers I had went up there to take home with me.



(e)

I received a letter from the Auditor asking if I had an attorney. I did not have one, but if I had needed one concerning the deed or making out the deed I could have got one I was going to school at the University to do such I thought, who would be trustworthy. but if the auditor would have taken care of getting it and charging me up for whatever it cost, I would have preferred that, his asking if I had one I believed meant that if I did not, he could provide the having it done. But disliked to write No. as I could have got the one from the University, if necessary I thought. On the 10th of Oct. 1975 I was in a very bad accident. And the next spring I sent in in a large enough amount to cover the current May taxes and the small amount that had been left over from the fall before, and my check was returned to me with the notation that they had already been paid. I kept on sending in checks for the taxes and asking about my deed, and the amounts I then sent were returned to me, with the exception of a couple of times when the Auditor's department accepted it. And then it was for \$40 dollars instead of the the hundred and something I had been paying a year. So I keep sending in a \$100. check on taxes on it and they keep coming back. Last year's said April 7, 1976 I am returning your check for real estate taxes in the amount of \$100. This is the incorrect amount and also these taxes have been paid by Velma Bingham. Luch Burke Watonwan County Treasurer, and this years just came back in the mail yesterday. I tried to pay the taxes to the other former County treasurer, one year after she had been sending my current checks back and she, kind of smirked, and said Tiegh said she did not have to accept them from me. Tiegh was an attorney in town.

(f)

she had been sending my current checks back and she, kind of smirked, and said Tiegh said she did not have to accept them from me. Tiegh was an atty. in St. James.

And so if I could have succeeded in getting some branch of the Government to look into this and get my deed for me I believed they might ask for the taxes I had been getting back each year all in a lump sum and so wanted to have that amount ready to send, as soon as such was asked for. Thus my wanting to get some to begin sending checks on in the bank before the end of 1972. Not getting the letters to go with it wrote, nor finding where I could hope to get government officials to look into it, I then thought of getting such ready before May 30, 1973, and not getting such done before May 30th. I then put all the money I had into the bank after for that, The Farmers State Bank of Trimont, after that May, thinking I would then spend all summer looking up where to send such to and writing the explanatory letters to accompany a tax check, and only after then found that those amounts I had been bringing down and depositing through Don Wellner into the bank, with the exception of that first one for 960 dollars, which had been for something else than that, had not been entered on the statements I received. Even the two hundred dollars, in twenties, of the time I had reduced my safety deposit box to only twenties left and brought down an amount of which I had made out a deposit slip for \$300. and was counting out the three hundred dollars in twenties, at the window, when That Don Wellner said, quite loudly 'All those 20 dollar bills, and I had went back and made

(g)

out a new deposit slip and with it brought only \$200 dollars of the twenties to the window, was not entered onto the bank statements I received, from the Farmers State Bank of Trimont. I had felt called upon to establish my ownership of those twenties that day. And while making out the new deposit slip, said I had just taken them out of my safety deposit box. I had really taken them out of my box almost a week before, but had not got around to bringing them down to the bank before, that day. Oh yes the reason I piled up cash in my safety deposit box at the 2nd Northwestern Bank had been that I was washing dishes in the drug store across from KSTP, had a checking account down town that I could not get to after work, and anytime I waited on customers in the Drug Store I turned any tip they left to the girl whose station such customer was in, so had no income other than my checks, and when I needed some of my weekly check cashed it in the bank in the block and stuck the remainder of what I needed into my safety deposit box. So could serve anyone

When I was taking some classes sponsored by the National secretaries association while working there, an attorney who was teaching such had told of one time defending a Banker, whose means of defense was that he had a couple or several people testify that the man accusing him was not always truthful.

The Transcripts of the Court Case in Trimont stated that the amount of \$960.00 I had testified to deposition at one time in the bank as 690. dollars.

And that letter from the Trimont attorney had said he would not agree to any corrections to stop bothering him with such nonsense. I still do not know where I could write but still have hopes of getting my deed.

(h)

she had been sending my current checks back, and she kind of smirked, and said Tiegh said she did not have to accept them from me. Tiegh was an Atty. in town.

And so if I could have succeeded in getting some branch of the Government to look into this and get my deed for me, I believed they might ask for the taxes, all in a lump sum that I had been getting back each year, and so I wanted to have a large enough amount ready to send as soon as such was asked for, thus my wanting to be sure there was some to begin sending checks on, in the bank before the end of 1972. Not getting any letters to go with such wrote, nor finding where I could write to, that I might get some government official to look into it, I then thought of getting such ready before the May 30th tax date, So got a lot down there by then. Still not getting such ready to send before May 30th. I then brought down all I had and put it in the bank to have it ready to use when during the summer I got such letters ready. And then after That Don Wellner had, when I had turned in a carbon copy also of my deposit slip to him, walked away from the window, and stood in another one, and I had asked for my statements my next time in, and on getting such a couple of weeks later, found the only one of the large cash amounts appearing on my statements, of those I had deposited through Don Wellner was that one of \$960. which the transcripts of the Court Case in Fairmont showed as \$690. And the Trimont Attorney has written he will not agree to any changes, to please stop bothering him with my nonsense when I wrote to him concerning corrections.

14. aA  
In the Dec. 22. Trimont paper-City Council  
A motion was made seconded and report  
passed to accept the bid for \$400.00  
from Don Stwinhouse to tear down  
Minnie Breza's house.

Notice is hereby given, that the City  
Council of the City of Trimont, Martin  
County, Minnesota will hold a Public  
Sale for the purpose of disposing of  
the personal property taken from Lot 5,  
Block 8, ward II, Trimont.

The following is a list of the articles  
to be sold Saturday, November 26, 1977  
at 1 O'Clock P.M. at the Ward I  
(Monterey Hall) Hall:

Large office type desk, 2 push type  
lawn mowers, 8 plate glass mirrors,  
booster cables, extension cords, flower  
pots & vases, lawn sprinklers,  
swivel rocker, early american chair,  
floor lamp, heat lamp, lamp, lawn  
spreader, I metal kitchen cupboard,  
2 wood kitchen cupboards, wood gate-  
leg table, paintings, L. P. records,  
metal kitchen table, rocking chair,  
office chair, furs, miscellaneous  
dishes, miscellaneous silverware, kids  
game, leather coat, miscellaneous lamps  
tape recorder, dictaphone, box camera,  
Christmas lights, christmas bulbs,  
artificial christmas tree, 4 suit cases  
brief case, card table, 5 new fry pans  
2 electric heaters, I electric fan,  
miscellaneous garden tools & shovels,  
Ironing board, skill saw, electric  
sander, electric hand drills, 2 file  
drawers, I new fire extinguisher with  
refill, old wash board, fuel oil furn-  
ace with 265 Gal. Oil tank, Stained  
glass window.

By Order of the City Council  
/s/ Norma Gates  
City Clerk, Trimont, Minnesota



## Discrimination 15

Whether I should not be allowed to keep my Tractor Tire Compost heap container and my Mercury Wagon, with carrier top building ramp in my garage used for fixing the rafters roof and cross beams of my garage. used for those purposes, .

Henry Ford used Bolt Box sides for Model T floor boards and nobody hauled them away from him.

Both of such have been taken away from my lot by Trimont.

Right of Privacy and personal security protected by 4th amendmenare of essence of Constitutional Liberty, and guarantee of them is as important and as imperative as are guarantee of other fundmental rights. Cases are sometimes taken from inferior courts.

One Purpose of the fourth Amendment was to prevent governmental force to search man' house, his papers, or his effects and to prevent their seizure against his will.

Due process of 14th Amendment is prohibitive of certain State Action

An act of Public Official is Act of State in depriving individual of property, life or liberty without Due Process of Law.

Only if State Deprives person or denies him enforcement of right guaranteed by 14th Amendment can its protection be invoked.

Where government has become so entangled in actions of private party it may want requirements that such conduct conform to Constitutional Standards.

15-A

On about July 29 the new policeman came to my back door and hearing someone there I came up out of the basement where was cleaning. He said he had checked up on the car(I had setting next to my kitchen window)and found it was registered to a men in Albert lea. I got my ownership papers of where I had bought it and secured licence plates on to prove my ownership of it to him. showed him my licence plate corner tabs, showing weight, it was a pickup, and said I had not been able to find where I had the licence plates themselves, at. He said if I drove it on the street before attaching them they would fine me \$50.00 and impound the car which would cost me another \$45.00 to get it back. He served the Order from trimont on me. It was closed up and I didn't know what it was until after he had gone. He said Trimont likes to check up on any new car in town. I told him to only come on my property in his official capacity.

ON reading the ORDER that he had left I saw quite an urgent need for the use of my pick-up to haul things I did not want anymore to the dump. and went to the banker at Triumph Bank to see if he could get me duplicate plates for my pick up. He did not have forms for such and went to the garage owner, he did not have any either. He asked if I was going to tell the policeman he would have to get plates forme. I said I was not. I wrote to the dep. of highways building in St. Paul. where I had stopped up concerning them before driving it down and, found duplicates would cost me about \$5. and if I got stopped on driving down that that would be a \$15.00 fine and I would still have to pay the \$5 for dupllicates. They sent me some duplicates for about \$3 or \$4, with which I then hauled the things I did not want to the dump

Wrote an appeal to their ORDER, and took a copy to the county seat, fairmont, and sent Trimont's copy to them. And went ahead on repairing on the garage and doing usual things around the house, I had told him of the children telling me of him and the Mayor pounding the outside handle off of the Refrigerator, and that I had removed the inside catch years before, and that the inside catch was also removed from the one I have in the basement. In the spring after I came, I found the children next door playing in the garage which had many tricycles and toys, maybe in need of repair, and the refrigerator laying on its back. I turned it over door side down and then called Mrs. Rohman from Maecapolis, the next morning about it. Apologizing for calling so early, but saying I wanted to call her before the children went out to play. When I next went down it was standing upright. And I tied around and around it. I had a strong rope and a chain. and shoved it door side against the wall. Next time down the rope and or, chain had been removed and I then got a couple of squares of board and walked it to the house and shoved it into the kitchen where I kept it until I had removed the inside catch, then I walked it back out to the garage. the door flapping at every turn on the legs as the door side was on the lowest side and toward the house next door. I once asked the children how they ever got it standing upright, that some grown up must have helped. And they said none had, that it hadn't been hard to set up.



15-C

After the Pre Hearing before Richard J. Leonard, Commissioner, I received the following request to make bond from Atty. Wilson, Re: City of Trimont, Minnesota vs. Mannie Breza. Dear Ms. Breza Please be advised that within 30 days from the date of this letter the City of Trimont will proceed to raze your building in the City of Trimont pursuant to the District Court Order of May 18, 1977. your appeal to the Supreme Court of the State of Minnesota does not stay the proceedings in the trial court unless you comply with Rule 108 of the Rules of Civil Appellate Procedure. Rule 108 requires you to post a supersedeas bond. I just did not have money that I could put forth, and wrote that I did not. Then I sent a form to the mayor, concerning that if the respondent wanted to enforce a judgment that they should first make bond with the Appellant, and believed that if they then made bond with me that I could take such papers to someone to show my need to borrow some money to post such supersedeas bond. I had just recently sent the \$500.00 filing fee of the appeal to the Supreme Court to the Clerk of the district Court. I did not hear anything from them concerning a desire by them to make bond with me. And thus believed my garage was safe from them, unless I did. It was not hazardous, I had put all those new strong beams across the top, and there was no danger of anything from above falling. And it only had metal and wood, in it. I was telling my sister who works at the Mpls. Main post office, and she about, after I had discovered the carbon paper in the deposit slip pad, In the

Farmers State Bank at Trimont, and told a girl that I had not known of such before, and then was trying to tell that Don Wellner of it, and he did not look towards me or come near the window, and my voice sounded kind of emergency to let him know, and girls were there and after, they gave me three deposit slips of deposits through them, uninitialed. and those deposits were entered on my statements. And that when I took that large amount down in June for deposit, and made out a duplicate with that carbon, and That Don Wellner was the only one in sight in the bank, of his accepting my deposit slips, my pile of cash, I have given thought to what I had there, from where and estimate it at \$800.00, and my check for Rohmans of a payment on the house \$62.37, and that he had left the window where I stood and went to another window where he stood, and I eventually went near that window when he did not return, and he had form before him of entering that 62.37 check onto Rohman's account. but had it all filled out I think, and did not look at me but towards the ceiling or down or straight ahead. My neice suggested that I should have run out and got a policeman while that money I had turned in for deposit was still in the Bank. but the Trymont policeman I do not think would be interested in such. I had been backed into by someone with AAA insurance, Diagnol parking on main Street. asked him for forms to send in. He said it wasn't that much damage. I got estimates in Mpls. at two Lincoln Mercury garages, \$434.08 was cheapest. He said such form would have to come to him, I gave him a zerox copy. he said he sent in an estimate of under \$100.00 He and his wife were selling antiques and other furniture for a long time, instead of being Police & City Clerk. I do not know when they left, or why.

Wether, if it was required that a home owner's buildings in a small town be inspected she could have a professional inspector from the State, whom could be depended upon to be impartial, and would come by appointment so that she could be there and have a lady friend or or relative there with her, if the town were too small to have professional inspectors, who could be depended upon to be impartial.

It was no later in the year than I had come down and mowed my lawn on a former year, that the city of Trimont had my lawn mowed by the man next door who had passed away from a heart attack the next day in the cemetery where he had been sent to do mowing. He had been retired for years and did not have need of money from Trimont. I had not known him to do other than some of his own yard work. I received and paid the ten dollar bill from Trimont for the mowing.

On receiving the Order from the Mayor, Bert Christianson, of Trimont, I put in an appeal to the District Court in Martin County. After receiving my duplicate licence plates through the mail, I then hauled everything I did not want to the dump, over near the county seat. I put the new 2 x 8 and 2 x 4, beams across the top of my garage, spiking those that had been there, though split and kind of rounded down, since before I had bought the property up to the new ones that I installed, for added strength of beams across the top, and removed or made solid any part

of the roof or the top that there could not be any possibility of such not remaining intact unless removed by man. Thus there was no possible safety, health or fire hazard, in connection with my Residence in Trimont, Minnesota

I received word of Case, Fairmont on January 31, As I was very incapacitated I wrote a request that it be changed to the next spring and received an answer that such had been denied on objections from the Trimont Attorney. Being told the only chance of getting such changed was to ask the Judge personally, I drove down to Martin County, 150 miles- sat in on the last part of a Trimont Town Meeting, in progress, where I objected very very strongly to a new sewer, and hard surface ing of the street between my lot and the City Park, across the street, any curbs and cement driveway entrances, I was told by the head speaker at the head of the table, Dale Philst~~on~~ from St. Paul, that ~~only those~~ who benefitted from by any such would be charged for such. And I said that I certainly would not be benefitted by any of such that I had a breathing problem and liked the, about two sars a day, driving between my place and the park across the street. That the possible added traffic from such could be detrimental to me. I objected to their idea of selling the half of the park towards my house to an out of town firm who would with finances from HUD build a Senior Citizen or low rent housing residence on it. and that such would then after a number of years revert to that company. They said that company would then be helping to pay for the street improvement,

that they could, otherwise only charge up to Trimont, being along the park. I asked if they wouldn't pay just as much if they built further out of town, and was told, "Yes." Their plan had been for the parking lot of the building to be right next to the street between my house and the park. I understand they offered that Concern an option on the ball park, further out, from down town, to build on but I have heard no more about it.

The next day, after getting lost and driving into Iowa, I located the Judge, and asked for the postponement of the Trial until spring, but did not receive a postponement. and drove back to Minneapolis, through extremely hazardous weather and road conditions to where I was then in bed until I got out of it to drive down for the trial, on January 31,

Since a car accident on 10/10/65 I have had re-occurring periods of dizziness, during which I have to curtail my activities to nil, through its duration. My using crutches or a walker also is a result of that accident, as well as the lack of strength in my left arm and hand. And on October 20, 1975, I had a very severe heart attack from trying to keep on going when I knew I should not, but when doing so seemed to be necessary. I came so very near not making it, that I know now not to go on into doing something, I know I am not able to accomplish at that time.

When I bought the house in Trimont, there was a hole, half a foot in diameter, dug out of the door where the door knob had been, and I asked Mrs. Rohman what



had happened to the lady who had been living there, and was told that she had let the kids hang around the place. I had previously heard of some people not wanting a strange woman talking to their children. When I was cleaning my sidewalk a few days after getting the place, three little boys came along behind me on the sidewalk, and the smallest one, about two years old, in a voice that told so plainly of his hoping, and longing to be accepted, that it would break a persons heart, said, "Ma ma". I didn't turn around to where they were. When I asked Mrs. Roman, concerning them she said they were the children of the lady that had been living in the house and they were staying with the the people with all the children, next door. That it was larger kids that their mother had let hang around. After a time I heard that they had been adopted, each by a different family, and when I asked Mrs. Rohman about it, she said that their mother had been going with a Mexican who worked for Tony Downs (A frozen pot pie concern in St. James, 15 miles away) That it would be a shame for those little boys to be taken to Mexico. When I was telling my sister who works at the Minneapolis Main Post Office about it she asked, Isn't Trimont in the United States? What's wrong with Mexico? She had been on ADC also when her children were smaller. Her children are grow now. Both boys were in the armed services, one for two hitches, one in Viet Nam and one in Korea, and her daughter does welding and with her mother has a place out of town, also, where they have about twenty horses.

At the Court hearing in Fairmont both the Mayor and the new policeman, Tom Larson had been so untruthful in their testimony concerning my property that I would be very much afraid of any contact with either one of them outside of a **court** room or of contact **with anyone** they might require I have contact with. That same untruthfulness might be used concerning their contact with me, at some place where my refuting it would not be enough to afford me security. While my garage had not been padlocked, my house would not have been completely open. The front door was secured and there would have been at least a screen door hook, real high up, **along side** of wooden and glass outside door, even if the loosened screws end of the chain across the inside **back** door had fallen down. The children next door did not go into my house wether I was there or not, and wether it was locked or not, nor had anyone else when I was not there, with the exception of that new policeman, Tom Larson, who, according to the newspaper, had served four years with the U.S. Navy, and was employed with the Columbia Heights Police department, had been on the Glenco Police Department and McCloud County Sheriff's Office and most recently had run a filling station up north-In Park Rapids. And from the testimony given at the trial he had been the only one in it. Per the Mayor's testimony of what was where in it being completely wrong. The Mayor had testified that I had a bed upstairs with three mattresses on it. And my three mattresses had been standing on end in one corner of one of my storage rooms upstairs, and had never been on a bed there since I had moved them in.

At the Hearing on January 31, 1977 the transcripts read the Judge asked me how about heading for Trimont and going to the house with those people? Page. 591 Lines 1 and 2. I would not do so. I would not do so. I was not physically able to do anyhow that day. I said I wanted, needed, someone from out of town, that I did not want to let any of those people from Trimont in. He said Line 19, Page 55. These are the people that have the authority to do the inspection.

And on Page 50, L. 5 reads in the transcripts, brought down a \$690.00 cash payment, cash deposit, one time, the next large deposit, I brought down I found wasn't entered to my account. Instead of reading as it should, -- brought down a \$960.00 cash deposit,

On page 42, L8, I asked the Mayor Do you remember a truck tire there around the compost heap. and he answered I do. And concerning the Refrigerator, I asked, with the door upward, you wouldn't have expected it to fly open would you unless it was taken hold of and raised up? and was answered. The door didn't fly open because the catch was latched on it.

Also when the Judge asked the Mayor is the garage was structcturally sound and would not have to be removed, the Mayor, Bert Christiansen said No. it wouldn't.



When I attended some classes sponsored by the National Secretaries Association in Minneapolis, The attorney who was teaching some of them, told of once defending a banker, whose defense had been having two or three people testify that his accuser had not always told the truth, and the banker won.

There were also such things as air rifles at the hearing being written in transcripts as guns. I have never seen a gun around Trimont. I suppose the police have some but I have not seen or noticed such, so any reference to guns would have been air rifles or bb guns, whatever they are.

City of Trimont  
Trimont, Minn.

Dear Sirs:

I have received the notice of there going to be a public hearing concerning street improvement and such with regard to the amount of property indicated on the north side of Main Street, on November 28, 1977.

I do not own any property on the north side of Main Street, and such things or improvements as are proposed will not in any way benefit me.

I hereby make the motion that any new street sewer, any paving or black topping of streets, cement curbs and gutters and driveway entrances be rejected.

Sincerely yours,  
Minnie Bryan Breza

I am unable to be present in person at that November 28, 1977 public hearing which is proposed.

Time to docket appeal extended to Feb. 17

By Justice Elackmun

Whether, if it was required that a home owners buildings in a small town be inspected she could have a professional inspector from the State, whom would be impartial, and would come by appointment so that she could be there and have a lady friend or relative there with her, if the town were too small to have professional inspectors, who could be depended upon to be impartial.

On receiving the Order from the Mayor, Bert Christensen, of Trimont, I put in an appeal to the District Court in the County, hauled anything I did not want to the dump over near the The County Seat, and put new beams across the top of the garage, spiking those that had been split, rounded downward slightly across the top of the garage, since before I had bought the property in 197 up to them, and removed, or ~~made solid~~ any part of the roof or top that there could be any possibility of ~~not remaining~~ intact. Thus there was no possible safety, health or fire hazard, in connection with my residence in Trimont.

I received a notice of there going to be a hearing in Fairmont on January 31, As I was very poorly, I sent a request for it to be changed to the next spring, and received an answer that such change had been denied. I was told my only chance of getting such postponed was to ask the Judge in person, I went down to ask such and also attended a town meeting at Trimont, or the last part of it. where I objected very, ~~very~~ strongly to a new street sewer, any hard surfaceing of the street between my place and the City Park, any curbs and

Wether I and my property are legally responsible for street sewer bill received.

Whether it is not a violation of the fourth and fourteenth Amendment for government to break into a private home : closed up for the winter, or part there of, and securely padlocked. And also the padlocked garage. and remove private property and, parts of the home its self. Wether it is not a violation to break into padlocked storage rooms, if one had broken into a home proper, and remove and do destruction to the contents The new Policeman had said that he went into the one(as he said) room up stairs when he had entered it soon after his coming to Trimont, because he wanted to see for sure that no one was in it. But with padlocks securely on the outsides there could not be that reason for entering.

Concerning a 30 day without power limit on a motor vehicle at a residence in Trimont. My only income is roughly \$200. a month, and repairs could be much more than I could put forth onto fixing my pick-up, would dislike to have it hauled away or have a 90 day jail sentence for every day until I got it in running condition, if I read their ORDINANCES right. after the thirty days had passed. Or perhaps, them forcibly taking my property, to satisfy the \$100. for each day instead if they thought I would not live long enough to serve the 90 day sentences.

Wether there is not some law to keep them from, Gov. personell, from doing such to ones property to cause it to not conform to City Ordances.

25 Oct. 24, 1977

Pursuant to Rule 24(b) Federal Rules of Appellate Procedure.

Minnie Bryan Breza, Appellant, respectfully Presents this application and moves the court to enter an order staying issuance of mandate in the above under Title 28, section 2101(f) United States Code because it is the bonofied intent of the appellant to make proper and timely application to the SUPREME COURT OF THE UNITED STATES for an appeal. The grounds on which the petition will be based are substantially as follows.

I Before these charges were placed against me I had been very outspoken against the doing of a project which funds from a FHA loan would be secured to do. The speaker at the head table cut off the debate to take effect with the ending of a man making a motion for such project. (cut off the discussion) even though the meeting had barely began, and only a few of the many assembled there had been heard from.

Claims of an inspection by people, which had not taken place, were put forth as a basis for such order.

3. One of the members of the City council who were acting upon his, had previously while working at the Farmers State Bank of Trimont, while I was making payments on this property there, to the previous owner accepted large cash deposits to my account there from me, and after the first one such of \$960.00 they did not get entered onto the statements I received, when I succeeded in receiving such leaving my statements finally showing as if I had not enough on deposit there to even make he

the next payment on this property, and I was lucky enough to have a check with which I finished making the last couple of payments on the property, thus receiving the deed.

4. I have met with hampering on my endeavors to do toward what I wished to do, with what small amounts I might have to spend for such, not having received those larger amounts I had deposited in the farmers State Bank of Trimont, which did not get entered on the statements I have received. The young men, one of whom said I am supposed to hire the big kids to repair my garage for me. Such took place after the street in front, though nicely graveled and dry was torn up and worked upon by crews, using the PHA funds for such evidently.

A refrigerator I used to stand upon in the garage while repairing on the garage roof and had removed the inside catch from many years before had the outside handle pound off of it by the Trimont Mayor and the new city's policeman, per the children next door. And they testified that the catch was not removed, at said hearing. The boy next door said I was supposed to hire big kids to repair my garage for me. And he, his brother and a young man I had not seen before that I knew of, pushed in unison on the top of my garage wall, from the top of of their garage wall, until they toppled my tree trunk column, I had under my my two 2X8, I had across the top top of the garage walls in my repairing of the roof, and not being of any danger to anyone, as the ends were secured



but required more time on my part on it. Except workmen called by me when I had a lady friend there with me, I live alone and do not have men come into my house. Had once had a problem of a young man that wanted to become better acquainted, I am living in a quite open area behind the city park. I had a great aunt whom they said had been killed by a neighborhood boy that had known her all of his life time. when someone had followed her into her bedroom and got scared. when she was trying to get him out of there. And had said he had thought she had gone crazy. She was very old. I do not have either the children or gentlemen come into my house.

The City employee took away my compost heap container which was a tractor tire and I have not succeeded in getting them to return it.

Wherefore Minnie Breza, appellant moves the court for an order staying the issuance of a mandate herein, pending the filing my Minnie Breza, appellant, of an appeal to the Supreme Court and until final judgment decision wherein of the case.

Dated October 25, 1977.

Minnie Bryan Breza  
P. O. Box 2335 Loop  
Station  
Mpls, Minn. 55402

In November they did not approve this  
But I would not have had the money to  
make a bond to have it in force anyhow.



<sup>28</sup>  
October 28, 1977

Dear Mrs. Breza

RE: City of Trimont V Breza  
Received your materials in your Oct. 19th  
mailing, regarding amending or correcting  
the transcripts.

I will not agree to any changes in the  
District Court Transcript. Please stop  
bothering me with your nonsense.

Yours very truly,  
James A. Wilson

cc: Bert Christiansen,  
Mayor, Trimont Minnesota

JOHNSON, BERENS & WILSON  
Attorneys at Law, Fairmont Minn.  
Oct. 25, 1977

Dear Mrs. Breza

This is to advise you that the Trimont  
City Council met Monday evening, Oct. 17  
1977, and moved to grant you 20 days  
from Oct. 17, 1977, in ~~which~~ you may re-  
move the personal property you wish to  
have from your Trimont Residence.

After the personal property has been  
removed and sold from your Trimont  
Property the City will proceed to tear  
down the house and garage.

Yours very truly  
James A. Wilson

cc: Bert Christiansen  
Mayor of Trimont  
Norma Gates,  
City Clerk, Trimont

## NOTICE OF SALE

Notice is Hereby Given, that the City Council of the City of Trimont, Martin County, Minnesota will hold a Public Sale for the purpose of disposing of the personal property taken from Lot 5, Block 8, Ward II, Trimont.

The following is a list of the articles to be sold Saturday, November 26, 1977 at 1 O'Clock P. M. at the Ward I (Monterey) Hall:

Large Office type desk, 2 push type lawn mowers, 8 Plate glass mirrors, booster cables, extension cords, flower pots & vases, lawn sprinklers, swivel rocker, early american chair, floor lamp, heat lamp, lamp, lawn spreader, I-metal kitchen cupboard, 2-wood kitchen cupboards, wood gate-leg table, paintings, L.F. records, metal kitchen table, rocking chair, office chair, furs, miscellaneous silverware, kids game, leather coat, miscellaneous dishes, miscellaneous lamps, tape recorder, dictaphone, box camera, Christmas lights, Christmas bulbs, artificial christmas tree, 4 suitcases, brief case, card table, 5 new fry pans, 2 electric heaters, I electric fan, miscellaneous garden tools & shovels, Ironing board, skill saw, electric sander, electric hand drills, 2 file drawers, I new fire extinguisher with refill, old wash board, fuel oil furnace with 265 Ga. Oil tank, stained glass window.

By Order of the City Council  
/s/ Norma Gates

City Clerk, Trimont, Minnesota

days after getting the place, three small children came along behind me on the sidewalk and the smallest one, about two years old said, in a voice that told so plainly of his hoping, and longing to be accepted that it would break a persons heart, "Ma ma".

I didn't turn around to where they were. When I asked Mrs. Rohman concerning it. She said those were the children of the lady that had lived in the house and they were staying with the family with all the children, next door. That it was bigger kids that their mother had let hang around. After a time I heard that they had been adopted, each by a different family, and when I asked Mrs. Rohman about that she said **their mother** had been going with a Mexican who worked for Tony Downs, (a frozen Pot Pie concern) that it would be a shame to let those little boys be taken to Mexico. When I was telling my sister who works at the Mpls. Main Post Office about that, she asked, Isn't Trimmont in the U. S? What's wrong with Mexico? She had been on AOC also when her children were smaller. Her children are grown now, the boys both were in the armed services, one for two hitches, one in Viet nam and one in Koreah, and her daughter does welding, and has a place out of town with her mother where they have about twenty horses, also. The untruth after untruth they testified to under oath in the hearing, would cause me to fear greatly letting any of them or any they should ask for into my property when I am or am not there or even being in the presence of without a judge or someone whose truthfulness I could depend on being present. I do not let men

31  
NOTICE OF APPEAL  
STATE OF MINNESOTA IN DISTRICT COURT  
COUNTY OF BLUE EARTH FIFTH JUDICIAL DIST.

City of Trimont, Minn.  
Plaintiff

v.  
Minnie Breza                      Notice of Appeal  
Defendant

To: The city of Trimont and the City's Attorney if they have one.  
Please take notice that the defendant, Minnie Breza, appeals to the Supreme Court of the State of Minnesota, per the Order for Judgment from the Judgment and asks that such Judgment and any proceedings from such be stayed until I have received the decision from my appeal to the Minnesota Supreme court as I cannot get the roof repairing, of my garage which the JUDGMENT of may 18, or May 19, 1977, includes completed by the June 15, 1977 date. I have the two 2X8 Beams securely in place across the top of the garage, and three 2X4s across one side from those toward the outer wall, and the two 2X4s across from the center towards the other side outer wall, but still have much of the roof to be replaced, which will take longer to complete, than until that June 15th date.

Dated June 10, 1977.

Minnie Bryan Breza  
P. O. Box 2335 Loop  
Loop Station

Minneapolis, Minn.  
55402

Trimont worker hauled my Compost heap Container Tractor tire away and on my request to bring it back did not return it.

Trimont Officials hammered the handle from refrigerator, testified in court that latch had been on, and such made it safe. Latch was off. If it had been on it would have become more dangerous as I spent many, many minutes with screwdriver opening refrigerator in restaurant that had lost its outside handle. And children are invariably able to get into anything if it is a question of ability instead of reason not to, do so.

Trimont Officials complained of my self propelled mowers being kept in my living room when I was out of town. Eight children next door, from 2 up and they sometimes started one for me. made keeping them inside my house where they never, never went. the sensible thing to do. As even if my door was not locked they still did not enter it.

Though I had complied with the Order of Judge before he had made the order and had no hazardous conditions possible around it did not seem to be accepted as such so I kept trying to do more to meet with what ever they might desire in mechanical endeavors. having been an Aircraft mechanic in WW2, I felt the know how when I had the strength. I still am on crutches.

Their untruthfulness at hearing made me know the need for a State professional Inspector at any inspection. Wether I could be permitted to call such, if I were to provide such. inspection. I passed teaching part of Gov. Aircraft teacher while there but fell short on aircraft knowledge, part. partially on safety of pupils.

Then on returning from having taken a trip in someones car to the hospital where Tootie was, she told of Tootie having been begged her to put her in the car and bring her along to Minneapolis also. That Tootie said she knew she could not continue to live if she were left there. The middle of that week she received that Tootie had passed away and they had an autopsy and Hattie said Tooties brains were solid scar tissue. I do not remember if she had went to the hospital in the car of her husband Sharp or in the car of her son Abarnathy. I have never heard of a case that I knew of, of anyone being sent to such by purely government. at any level but an ordering tone of voice concerning where one is going kind of is frightening. I was very thankful to have had that communication from Justice Blackmun, which the policeman examined and copied down the name from.

I read in that weeks Trimont Paper that the City Council had voted to pay Don Something \$400.00 to remove the buildings from the property so very quickly I sent a communication to the Mayor, not to demolish or move them, that I thought I could get from Fairmont the necessities fix such up. from the place that I had been ~~afforded~~ told of by the County auditor one could put into for to get aid in fixing up, ones home.



After I got a gallon of Anti freeze for the bathroom bowl and installed some sponge rubber in my house that had been entered and things taken and even parts of the house, furnace, inside windows, stained glass windows and picture window. wall cabinets, and I was walking along the left hand side of No 4 highway through the town, heading south and the police car pulled up in front of me and the policeman, Sandmeyer got out and walked on the shoulder of the road to meet me. where I was walking on my crutches, and said, in a voice that sounded as if such was an ORDER, You're not going over to Sherburn, and I said I was taking that communication to the City Clerk and showed my notice of an extension of time to docket my jurisdictional statements, And then went to the postoffice to mail the communication. I was reminded of a happening right after WW 2, of a niece about 40 years of a lady Hattie Sharp that lived across the hall from me, This niece Tootie had sold her rooming house, I think for cash and was going to buy a bigger one and make payments on the rest, and Hattie's son or son in law, a grown man with children, did not want her to do so. or anyhow that house she was going to buy. But Tootie was going to do so, and the day that she was supposed to sign the papers for such she was forcibly held down in the basement of the house the son of Hattie's was renting with his family, by a sharp end of Ice Tongs at her throat. Ice tongs like are used to carry an ice block. Hattie, who always received many gifts from Tootie told that from a court hearing she had been sent to a mental state hospital the next day.

STATE OF MINNESOTA IN SUPREME COURT  
City of Trimont,

Respondent,

47919 vs.

Minnie Breza

Appellant.

C R D E R

Based upon all the files, records and proceedings herein. IT IS HEREBY ORDERED that the City of Trimont's motion to dismiss be, and the same is, hereby granted and the appeal is dismissed.

Dated 9-29-77

By the Court

Filed Sept. 30, 1977. Chief Justice Sherman

Conferences please call Mrs. Betty Rosas  
at 296-8579.

James C. Otis

Prehearing Officer.

THE SUPREME COURT OF MINNESOTA

July 19, 1977

RE: City of Trimont v. Breza

Case No. 47919

Dear Ms. Minnie Breza

The above-entitled matter came on for a Prehearing Conference before the undersigned on Tuesday, July 19, 1977.

Minnie Breza appeared pro se as appellant and Mr. James A. Wilson appeared for respondent.

It appears that as of this date the parties have been unable to settle the issues raised by the appeal.

The time within which briefs and transcripts must be prepared and filed shall begin to run from the date of this letter.

Sincerely,

Richard J. Leonard

Commissioner.

October 27, 1977

notice of appeal from state court, civil  
case in the supreme court of the state  
OF Minnesota

Minnie Bryan Breza  
Appellant

No. 47909

vs:  
City of Triumph

Appellee

NOTICE OF APPEAL TO THE SUPREME  
COURT OF THE UNITED STATES

I. Notice is hereby given that Minnie  
Bryan Breza, the appellant, above named,  
hewvy Appeals to the Supreme Court of  
the United States from the final judgment  
of dismissal entered in this action on  
September 30th, 1977.

This Appeal is taken pursuant to  
28 USC 1957 (2).

II The Clerk will please prepare a trans-  
cript of the record in this case for  
transmission to the Clerk of the Supreme  
Court of the United States, and include  
in said transcript the following:  
Whatever is available.

Office of the Clerk

SUPREME COURT OF MINNESOTA

Miss Minnie Breza                      October 12, 1977

Breza v. Trimont 47919

Enclosed please find your petition  
for rehearing. Our rules provide that  
the petition for rehearing should be  
served and filed within 10 days after  
the filing of the order or decision.  
Since the 10 days have expired, we return  
your petition and \$25.00 check.

Sincerely,  
John McCarthy Clerk

City of Trimont Bert Christianson, Mayor.  
July 29, 1976

C R D E R

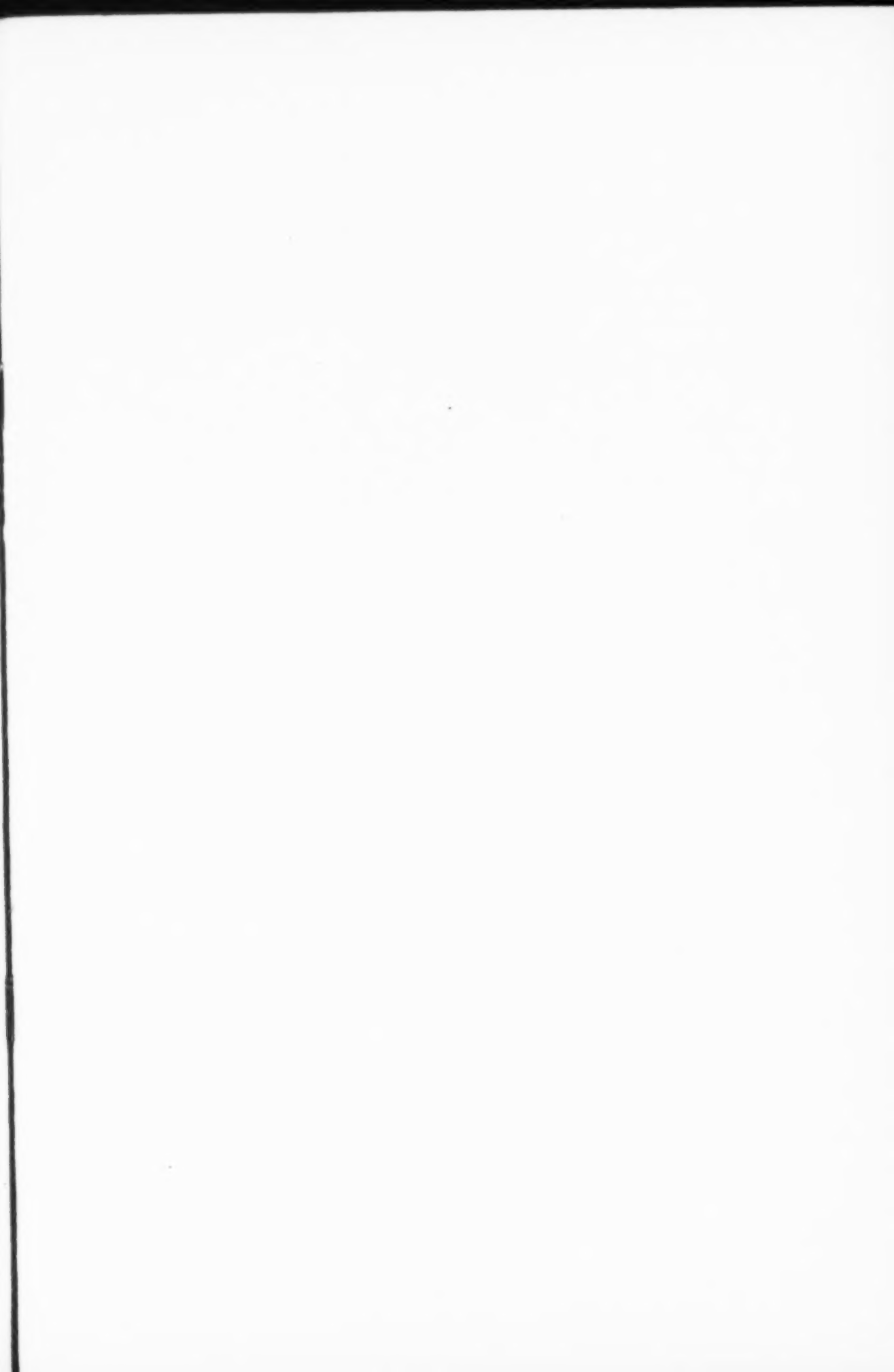
WHEREAS, The City of Trimont, Minnesota has received complaints regarding property owned by one Minnie Breza, said property being a vacant dwelling and garage located on Lot 5 of Block 8, in Ward Two on Ash Street East in the City of Trimont, Minnesota and,

WHEREAS, The Chief of Police for the City of Trimont, Tom Larson and the City Health Officer, Dr. A. Toledo, have investigated said property and have found it to be unfit for human habitation and to be totally unsanitary therein, and

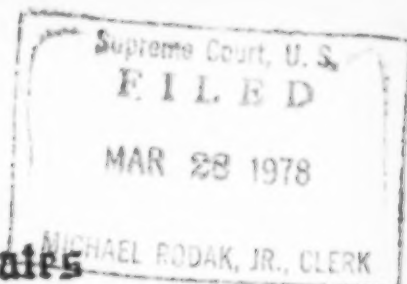
WHEREAS, The Fire Chief, Wayne Stanton, of the City of Trimont, and Harold J. Hustad, assistant State Marshal for the State of Minnesota, inspected the above described property and found it was open for trespass, that the garage was in a dilapidated and run down condition, constituting a fire hazard and a safety hazard and that the dwelling was found to contain a large amount of combustible items, debris and general filthy conditions and that it constituted a definite fire hazard and a health hazard.

NOW THEREFORE, THE City Council of the City of Trimont, Minnesota, does order:

1. That the owner of the above described property remove all garbage, debris and other matter constituting a fire hazard as well as all garbage, trash, junk and other materials that



Supreme Court of the United States



Minnie Bryan Breza

vs. Appellant

City of Trimont

No. 77-1188

Appellee

ON APPEAL FROM THE SUPREME COURT OF  
THE STATE OF MINNESOTA

APPELLANT'S BRIEF IN OPPOSITION TO APPELLEES'  
MOTION TO DISMISS APPELLANT'S JURISDICTIONAL  
STATEMENT AND APPENDIX

Minnie Bryan Breza

Pro Se

P. C. Box 2335 Loop

Loop Station

Minneapolis, Minnesota

55402

City of Trimont

Trimont, Minnesota 56176

Attorney James A. Wilson

of

Johnson, Berens and Wilson

Attorneys at Law

201 East Third Street, P. O. Box 271

Fairmont, Minn. 56031

BEST COPY AVAILABLE





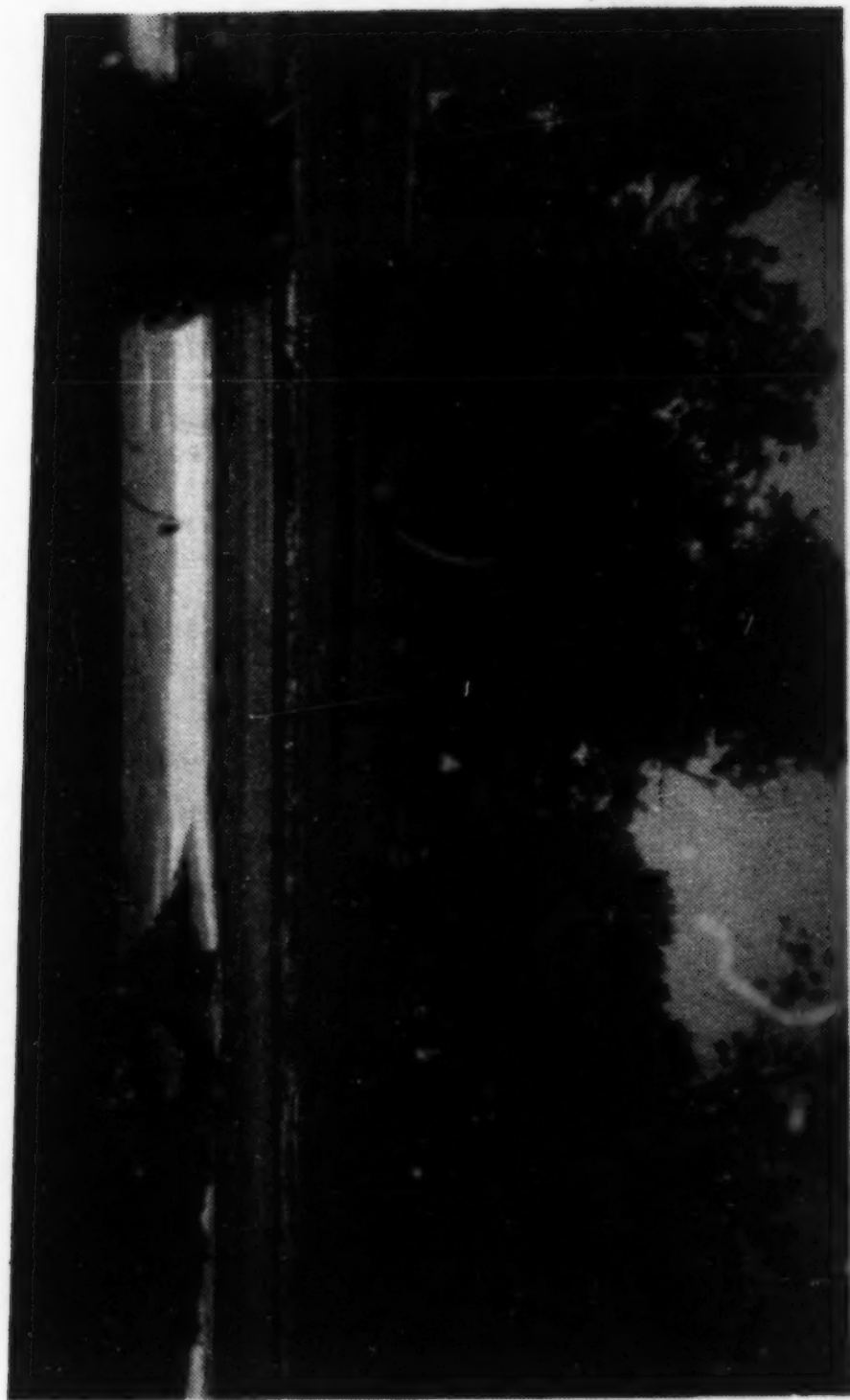
## C O N T E N T S

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Pictures of Garage, light post past corner of house, which necessitates removal of Walnut t tree, besides it being too close to to my bearing plums, apereots and apples and grapes, And hopefully soon to be pears. And 2x8s and ends, & 2x4s having been removed from it. that I had installed in my repairing of the roof on it.	14.

Wether, if an inspection of a private home owner's home and garage was considered necessary, a home owner could secure a professional full time inspector, from the state to come at a time when she would be there and could have a relative or lady friend there with her, if the town was too small to have a professional full time inspector of its own who would be impartial in his inspection.

Per this picture of my garage, besides my hasp and padlock having been removed, also my mercury with a carrier top building ramp substitute, which I had parked inside of it has been removed, and even the two spiked together 2x2's endways across the center and the 2x4's on each side of that as well as the pointed upward in the center ends on up from the 2x4s across the ends on which my newly installed 2x2's and 2x4's rest. At the ends so it looks from this picture which my neice, who went there with her father after I had told of being stopped on the left hand side of number 4 highway by a trimont, policeman, Sandmeyer, who had said in an ordering sounding voice, "You're not going over to Sherburn. to which I answered that I had not intended to, that I was taking a copy of an extension of time for docketing my jurisdictional statement over to the City Clerk. And that though he became interested in that paper of such extension of time, and came to the Post office where I went to mail it, and copied down the Judges name from it, and signed that he had seen me post it in the mail, I did not feel that such was other than a temporary postponement of what ever he had in mind, concerning his Order that I wasn't going over to Sherburn. And have been afraid to go and look at my garage.



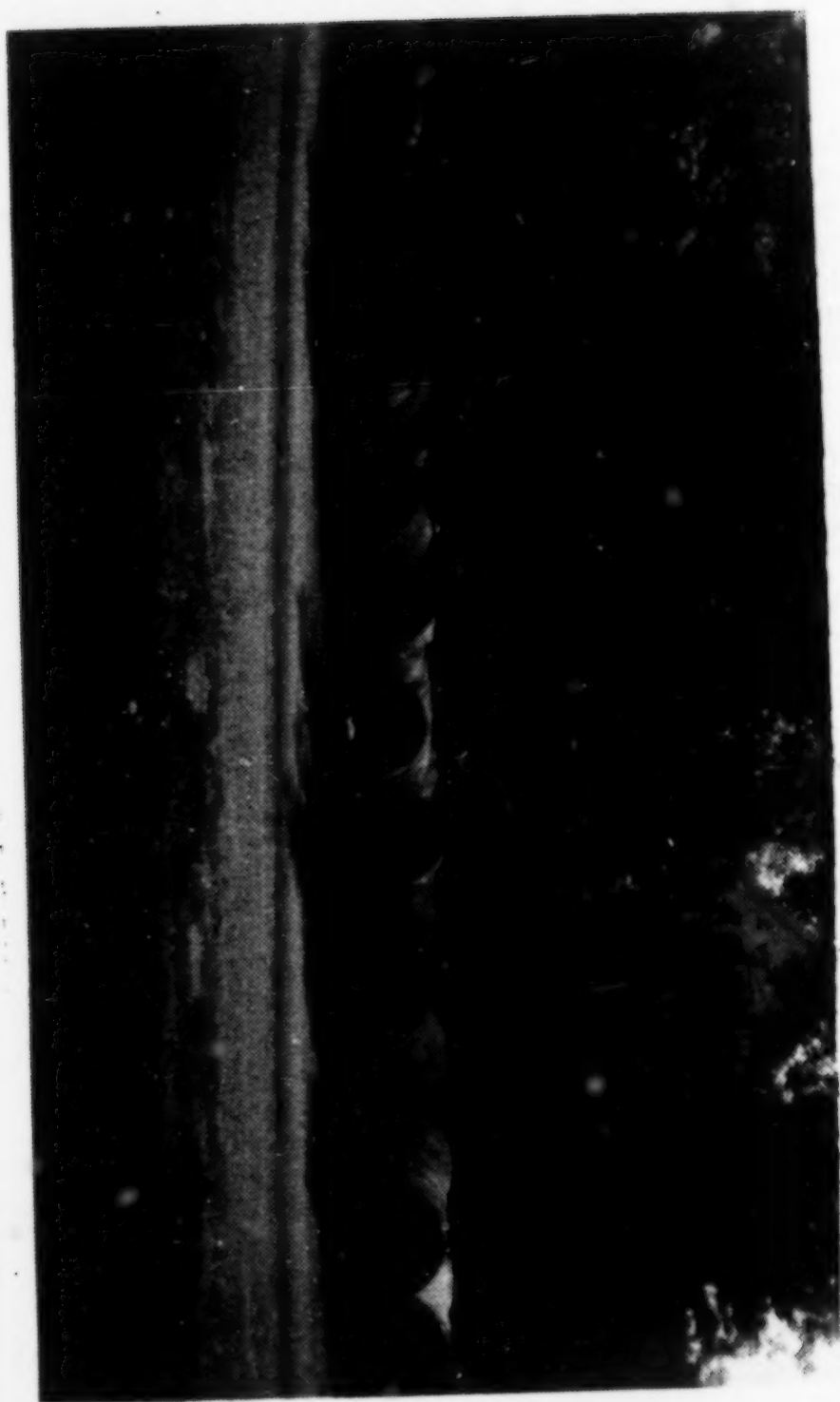


Being told that I was not going over to Sherburn, in an ordering, tone of voice by a Trimont Policeman, when I was walking on my crutches on the left hand shoulder of Number 4 Highway through Trimont, has remained me of a happening in Minneapolis, not long after the second world war.

A lady living across the hall from me, A. Hattie Sharp had a neice, Tootie, who owned a rooming house and who bought Hattie a great many things. I understood Hattie had formerly been married to an Abarnathy, and had a son or step-son, who was then a grown man with children, living a couple of blocks away.

Tootie, a lady of about 40 years, sold her rooming house, for cash I guess, and was going to buy a larger one which she would then make payments on to finish paying for it. I understood that her relatives did not favor the transaction, anyhow Hattie's son. But that Tootie was still going to do so. On the day that she had an appointment to sign the papers, for the larger one, she was held forcibly by the sharp end of an iceman's, block of ice carrying, tongs, in the basement of the house the Abarnathies were renting to live in, at her throat. **Mr. Abarnathie worked as an iceman.** I do not know if I am spelling that name Abarnathey right nor remember any first names. I heard that the day after that there was a hearing down in the court house from which Tootie was sent to a state mental hospital. Her Aunt Hattie told of going out to see her. Cf Tootie begins to be put in the car and brought back to Minneapolis, with her. and saying that she knew she would not be able to keep on living if she could not get out of there. That was after Tootie had been in there for several months.





2.

Whether it is not a violation of the fourth and fourteenth Amendment for government to break into a private home closed up for the winter, or any part thereof, securely padlocked. And also the padlocked garage..and remove private property, and even parts of the home its self. Wether it is not a violation to break into securely padlocked storage rooms, after they have broken into the home proper, and remove and do destruction to their contents. The new chief of Police had said that he went into the one (evidently not knowing there were two at that time) room upstairs when he went into my house soon after his coming to Trimont, because he wanted to see for sure that there was no one in it. But with those two storage rooms upstairs securely padlocked on the outside there could not be that reason for entering..

Concerning a 30 day without power limit on a motor vehicle at a residence in Trimont. My only income is roughly \$200 a month, and repairs could be more than I could put forth in a thirty day period onto fixing my pick-up into a running condition. If I read that ordinance right, after thirty days it would then be in violation. And if convicted, each day of such would be an additional 90 day sentence, or an additional \$100.00 fine. Maybe if they thought one could not live long enough to serve those 90 day sentences they would take the property to satisfy the \$100 a day fines. Whether there is not some law to keep Government personnel from doing such to ones property which would cause it to not conform to City Ordinances.

7 a.

A few days after getting the place, three small children came along behind me on the sidewalk and the smallest one, about two years old said, in a voice that told so plainly of his hoping, and longing to be accepted that it would break a persons heart, "Na ma".

I didn't turn around to where they were. When I asked Mrs. Rohman concerning it. She said those were the children of the lady that had lived in the house and they were staying with the family with all the children, next door. That it was bigger kids that their mother had let hang around. After a time I heard that they had been adopted, each by a different family, and when I asked Mrs. Rohman about that she said ~~their mother~~ had been going with a Mexican who worked for Tony Downs, (a frozen Pot Pie concern) that it would be a shame to let those little boys be taken to Mexico. When I was telling my sister who works at the Mpls. Main Post Office about that, she asked, Isn't Trimont in the U. S? What's wrong with Mexico? She had been on ABC also when her children were smaller. Her children are grown now, the boys both were in the armed services, one for two hitches, one in Viet nam and one in Koreah, and her daughter does welling, and has a place out of town with her mother where they have about twenty horses, also. The untruth after untruth they testified to under oath in the hearing, would cause me to fear greatly letting any of them or any they should ask for into my property when I am or am not there or even being in the presence of without a judge or someone whose truthfulness I could depend on being present. I do not let men in.

7 b.

Trimont worker hauled my Compost heap Container Tractor tire away and on my request to bring it back did not return it.

Trimont Officials hammered handle from refrigerator, testified in court that latch had been on, and such made it safe. Latch was off. If it had been on it would have become more dangerous as I spent many, many minutes with screwdriver opening refrigerator in restaurant that had lost its outside handle. And children are invariably able to get into anything if it is a question of ability instead of reason not to, do so.

Trimont Officials complained of my self propelled mowers being kept in my living room when I was out of town. Eight children next door, from 2 up and they sometimes started one for me. made keeping them inside my house where they never, never went. the sensible thing to do. As even if my door was not locked they still did not enter it.

Though I had complied with the Order of Judge before he had made the order and had no hazardous conditions possible around it did not seem to be accepted as such so I kept trying to do more to meet with what ever they might desire in mechanical endeavors. having been an Aircraft mechanic in WW2, I felt the know how when I had the strength. I still am on crutches.

Their untruthfulness at hearing made me know the need for a State professional Inspector at any inspection. Wether I could be permitted to call such , if I were to provide such. inspection. I passed teaching part of Gov. Aircraft teacher while there but fell short on aircraft knowledge, part. partially on safety of pupils.

In the Trimont Progress of Thursday, November 24, 1977, under Trimont Council Minutes, of the 17th day of October, 1977, at 7:30 P. M. o'clock was-

A motion was made, seconded and carried, to have the Clerk contact the City Attorney Jim Wilson, in regard to his contacting Minnie Breza and give her 20 days to remove personal property from her premises.

A motion was made, seconded, and carried to grant a building permit to Tom Larson to place a metal storage building valued at \$140.00 on his property.

Tom Larson is that new, as of June 1976, Chief of Police, who on June 7, 1976 went in into my my house, claiming it was open to trespass, even though it had not been broken into, nor no one else had been into it.

I have wondered if that motion concerning personal property from my premises could have been intended-to put my bicycle inside-if I wished to retain it. I found that my bicycle was gone from my back yard near my back door, and have read that any unauthorized outside storage is considered as refuse. Although the mother of the 8 or 9 children next door works in the nursing home, where the City Clerk also works, each of her children have a bicycle much fancier than mine is.

I had received. JOHNSON, PERENS & WILSON Attorneys at Law, Fairmont, Minn. Oct. 25, 1977  
Dear Mrs. Breza.

This is to advise you that the Trimont City Council met Monday evening, Oct. 17, 1977 and moved to grant you 20 days from October 17, 1977 in which you may remove the personal property you wish to have from your Trimont Residence.

Any personal property not removed by November 6, 1977, will be removed by the City and sold at Public Auction.



This is one of the pictures my neice and her father took, showing the corner of my living room from which they had removed my picture window from the inside and also my stained glass window across the top of it. my venitian blinds and had left the table on which my Hi-Fi had set turned up side down, the easy chair next to in on its back, my davenport standing on one end, my typewriter table, upon which my electric caculator had been setting, turned up side down, and either one of my electric fans or my space heater laying on its side, it looks like. the rest of the things that were left in the house were either in such disarray or degree of broken-ness. The Monday after they had, I guess held a sale of things from my house I had received a certified copy of their going to hold such sale from the City Clerks Office. and according to it, such sale had included my furnace which I had found was taken out of where it was below the floor along with its grill through which its forced air came. and my basement door to the living room had been broken off and laid over that hole in the floor. My fuel tank two thirds full of fuel oil was also taken, and my wall cabinets pulled from my kitchen walls and gone, My papers were, of course, the most badly wanted of the things that had been taken from inside of my house, even more so than my set of sterling silver flatware, and furs and clothes and furniture. and office disk and appliances. This garage picture shows the little walnut tree at the end of it that I had written to Commissioner Leonard that Trimont could have, if they didn't break my cement floor of the garage while digging it up. if they wanted it and the mulberry near it. and did not charge me concerning it.





The middle of the week after Hattie returned from the State Hospital without bringing Tootie with her, she received the news that tootie had passed away. She said they had an atopsy and found that Tooties <sup>brains</sup> were entirely scar tissue.

I have never heard of a case that I know of, about anyone being sent to such by entirely government, on any level. But that Ordering tone of voice from such, "That I wasn't going over to Trimont." was exceedingly frightening. I was very thankful to have had that communication from Justice Blackmun, which the policeman examined, and when over in the Post Office, Copied down the name, into his records, from it. The time for docketing an appeal in the above entitled case is hereby extended to and including February 17, 1978.

Harry A. Blackman

When I was down to my house in the first part of November 1977, I noticed that my bicycle was missing from out near my kitchen door, in behind my house. And before I left there on November 8th or 9th. I put my lawn mowers, which were self propelled, and I had been keeping in the house when I was not there, for the safety of the children next door, who had sometimes helped me start one of them, out into my kitchen, as the Chief of police had complained of my lawn mowers being in my living room at the time he had entered my home, at the Hearing in Fairmont and I put my television in the living room up onto a television stand, as he had complained of it being setting on the floor in my living room. I had made sure nothing was on any stair step, nor nothing was in any central part of my living room, and I had put new heavy hasps and new padlocks, on my front door, my outside basement door each of my storage rooms upstairs, and my bathroom upstairs also. I had put my Black and Decker rotory Saw up stairs in one of my storage rooms. And also had put my papers from my filing cabinet, next to my desk in my living room, that were of great importance upstairs in the front storage room which I had padlocked securely, that in an event that the downstairs got broken into they would be sure to be secure. I had nailed the back door securely closed by spikes slanted into the door frame inside. put screws or nails at the top of each downstairs window to keep each from being opened upwards or downwards. and had put a new heavy hasp and new padlock on the garage door also. And nailed the one for people entrances near the alley end, securely closed.

12.

After the personal property has been removed and sold from your Trimont property the City will proceed to tear down the house and garage. Yours very truly,

James A. Wilson

cc; Bert Christiansen, Mayor of Trimont  
Norma Gates, City Clerk, Trimont.

JPFNSCN, BERENS & WILSON

October 28, 1977

Dear Mrs. Breza:

RE: City of Trimont v. Breza

Received your materials in your October 19, 1977 mailing, regarding amending or correcting the transcripts.

I will not agree to any changes in the District Court Transcript. Please bothering me with your nonsense.

Yours very truly,

James A. Wilson

cc: Bert Christiansen, Mayor, Trimont, Mn.

But it also doesn't seem that a Banker, Even Don Wellner, of the Farmers State Bank of Trimont, would receive a pile of cash with a deposit slip made out in duplicate, through his tellers window and then walk away and go and stand in another window, and not come back, and when followed up would not look at or pay any attention to the one who had turned that cash in. And when asked about that deposit of that day by an officer of the bank, who had assured me that they do not receive cash deposits there often enough but that it would be remembered, said defensively that he had so many entries to make every day, that how could he remember a certain one of them. It was unusual to have just myself and that Don Wellner in sight in the bank

I wonder if maybe others weren't peeping out from in back to see if he could keep from giving me a receipt, after having heard me tell him, sounding kind of panic-ly at a former time that I had not known of there being a carbon paper in the front of the book of deposit slips, after which the girls had given me back my copy of the deposit slips un initialed, but had their deposits entered on the statements I had received. On believing I heard someone on my stair steps in the middle of the night after that, I became very fearful of what that Don Willner might do, and had sent a copy of my statements from that bank with the letter from its president claiming that such couldn't take place in his bank to Humphrey, asking him to retain them in the event that I did not live until I was able to do something about ~~such~~. And I would barricade the door and stay upstairs in the store room with a window overlooking the park, at which I believed many of the houses circling the park would be able to hear my screams if he might possibly get in and try to bust down the door, where I would read or type all night and ~~wait~~ until it began to get light before I would get any sleep. Banking has become so sophisticated (~~Things might be procedure~~) as has many things, though having differences of procedures, I read that Mr. Walt Anderson sold his OUR OWN Hardware and feel badly having admired his solid dependability, of forming my kitchen eaves to my specifications looking at my car that was backed into, and listening while I told of Don Wellner, of not wanting him to be on the City Council. Read that Police Chief Tom Larson resigned to take over distributor ship of Cake Grove Dairy, recently purchased from Phil Anderson.

14.

